

FILED
DISTRICT COURT OF GUAM
MAY 31 2007
MARY L.M. MORAN
CLERK OF COURT

tinastarrple

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IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

UNITED STATES OF AMERICA,
Plaintiff,

vs.

TINA E. STARR,
Defendant.

CRIMINAL CASE NO.

07-00047

PLEA AGREEMENT

Pursuant to Rule 11(c)(1)(B), the United States and the defendant, TINA E. STARR,
enter into the following plea agreement:

1. The defendant, TINA E. STARR agrees to enter a guilty plea to an Information
charging her with Theft of Government Property, in violation of Title 18, United States Code,
Section 641.

2. The defendant understands that the maximum sentence for Theft of Government
Property in an amount less than \$1,000.00, in violation of 18 U.S.C. § 641, as a Class A
misdemeanor as specified in 18 U.S.C. § 3559, is imprisonment for not more than one year and a
maximum fine of \$100,000.00, together with any restitution as the court may order, and a \$25
special assessment fee as set forth in 18 U.S.C. § 3013. Any sentence of incarceration may

1 include a term of supervised release of not more than one year as set forth in 18 U.S.C. §
2 3583(b)(3). If the court revokes a sentence of supervised release, the court may incarcerate the
3 Defendant up to an additional term of not more than one year. The \$25 special assessment fee
4 must be paid upon sentencing. The government will recommend that defendant receive the low
5 end of the sentencing guidelines, a fine, and credit for time served, if any.

6 If defendant is financially unable to immediately pay the fine in full, defendant agrees to
7 make a full disclosure of her financial status to the United States Attorney's Office by
8 completing a Financial Disclosure Form (OBD-500) for purposes of fixing a monthly payment
9 schedule. Defendant understands that, by law, interest accrues on any remaining balance of the
10 debt.

11 3. The defendant understands that to establish a violation of Theft of Government
12 Property, in violation of Title 18, United States Code, Section 641, the government must prove
13 each of the following elements beyond a reasonable doubt:

14 First, that the defendant knowingly and willingly stole property with the intention of
15 depriving the owner of the use or benefit of the property;

16 Second, the property belonged to the United States; and

17 Third, the value of the property was less than \$1000.00.

18 4. The defendant understands that the Sentencing Guidelines are advisory only. The
19 Court may still utilize the sentencing guidelines as an aid to determine the sentence to be
20 imposed. The government and the Defendant stipulate to the following facts for purposes of the
21 sentencing:

22 a. The defendant was born in 1981, and is a citizen of the United States.

23 b. On or about and between January 2004 and February 2007, in the District of Guam,
24 the defendant, TINA E. STARR, willfully and knowingly did steal, embezzle and convert to her
25 own use goods and food items, which were property of the United States having a value less than
26 \$1,000.00, said property had come into the possession and under the care of TINA E. STARR by
27

1 virtue of her employment at Burger King located on Andersen AFB, Guam, said Burger King
2 being a franchise owned and operated by the Army and Air Force Exchange Service (AAFES),
3 in violation of Title 18, United States Code, Section 641.

4 5. The defendant understands that notwithstanding any agreement of the parties, the
5 United States Probation Office will make an independent application of the Sentencing
6 Guidelines or determine an appropriate sentencing range. The defendant acknowledges that
7 should there be discrepancies in the final Sentencing Guidelines or sentencing range, projected
8 by her counsel or any other person, such discrepancy is not a basis to withdraw her guilty plea.

9 6. The defendant agrees to pay restitution as appropriate to the AAFES Burger King on
10 Guam.

11 7. The defendant agrees to waive any right to appeal or to collaterally attack her
12 conviction. The defendant reserves the right to appeal the sentence actually imposed in her case.

13 8. The defendant acknowledges that she has been advised of her rights as set forth below
14 prior to entering into her plea agreement. Specifically, defendant has been fully advised of, has
15 had sufficient opportunity to reflect upon, and understands the following:

16 a. The nature and elements of the charge and the maximum possible penalty
17 provided by law;

18 b. Her right to be represented by an attorney;

19 c. Her right to plead not guilty and the right to be tried by a jury and at that trial,
20 the right to be represented by counsel, the right to confront and cross-examine witnesses against
21 her, and the right not to be compelled to incriminate herself, that is, the right not to testify;

22 d. That if she pleads guilty, there will not be a further trial of any kind on the
23 charges to which such plea is entered so that by entering into the plea agreement, she waives,
24 that is, gives up, the right to a trial;

25 e. That, upon entry of a plea of guilty, or thereafter, the Court may ask her
26 questions about the offenses to which she has pled, under oath, and that if she answers these
27

1 questions under oath, on the record, her answers may later be used against her in a prosecution
2 for perjury or false statement if an answer is untrue;

3 f. That she agrees that the plea agreement is voluntary and not a result of any
4 force, threats or promises apart from her plea agreement;

5 g. That she reads, writes and speaks the English language and has no need for an
6 interpreter;

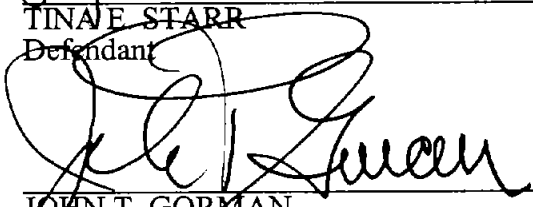
7 h. That she has read the plea agreement and understands it; and

8 i. The Defendant is satisfied with the representation of her lawyer and feels that
9 her lawyer has done everything possible for her defense.

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12 DATED: 25 MAY 07


TINA E. STARR
Defendant

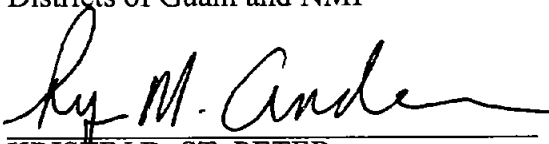
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15 DATED: 5/25/07


JOHN T. GORMAN
Attorney for Defendant

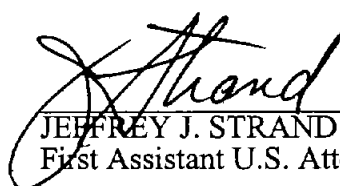
LEONARDO M. RAPADAS
United States Attorney
Districts of Guam and NMI

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20 DATED: 5/29/07

By:


KRISTIN D. ST. PETER
Special Assistant U.S. Attorney

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23 DATED: 5/30/07


JEFFREY J. STRAND
First Assistant U.S. Attorney